

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IVAN KEITH GRAY,

Plaintiff,

v.

CITY OF EVERGREEN, ALABAMA,

et al.,

Defendants.

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Civil Action No. 24-00141-KD-B

ORDER

After due and proper consideration of the issues raised, and a de novo determination of those portions of the recommendation to which objection is made, the report and recommendation of the United States Magistrate Judge made under 28 U.S.C. § 636(b)(1) and S.D. Ala. GenLR 72(a)(2)(S) and dated September 20, 2024, (Doc. 23), is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Defendants' motion to dismiss, (Doc. 3), is **granted in part** and **denied in part** as follows:

The motion to dismiss Gray's Title VII claims against Defendants Stallworth, Edwards, and Caylor in their individual capacities as asserted in the first cause of action is **GRANTED**, and Gray's Title VII claims against Defendants Stallworth, Edwards, and Caylor in their individual capacities are **DISMISSED** with prejudice.

The motion to dismiss Gray's claims against Defendants Stallworth, Edwards, and Caylor in their official capacities as asserted in his first, second, third, and fourth causes of action is **GRANTED**, and all of Gray's claims against Defendants Stallworth, Edwards, and Caylor in their official capacities are **DISMISSED** with prejudice.

The motion to dismiss Gray's claims against Defendants Stallworth, Edwards, and Caylor

in their individual capacities as asserted in his second, third, and fourth causes of action based on absolute legislative immunity is **DENIED**.

DONE and **ORDERED** this the **22nd** day of **October 2024**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE